

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

2.17

TARGETING WISHA ACTIVITIES (AGRICULTURE) Date: July 30, 2003

I. Background

Most Washington employers are subject to Title 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA). RCW 49.17.050(6) specifically requires the department to "provide for the frequency, method, and manner of the making of inspections of work places without advance notice." WAC 296-800-35002 specifically provides for programmed inspections using "inspection-scheduling systems" that may look at a range of objective criteria. It also provides for "routine programmed inspections" of several "high hazard industries," including agriculture.

II. Scope and Application

This WISHA Regional Directive, which replaces and rescinds WISHA Regional Directive 2.17 issued March 10, 2003, will remain in effect indefinitely. It provides guidance to WISHA enforcement and consultation staff regarding programmed activities within agriculture that is consistent with the direction provided prior to the temporary suspension of such activities on March 10, 2003.

III. Special Enforcement and Consultation Protocols

A. Who has primary responsibility for managing the appropriate use of WISHA enforcement resources to conduct seasonal agriculture inspections?

WISHA regional enforcement supervisors are responsible for managing the appropriate assignment of inspections in relation to seasonal agriculture activities within the region.

1. WISHA safety and hygiene enforcement supervisors are expected to make a particular effort, using any resources available to them, to identify and inspect those agriculture employers who appear highest on the agriculture industry list. To the extent possible, inspections of employers high on the list should be given priority over other programmed inspections within the agriculture industry.

2. WISHA enforcement staff should seriously consider initiating inspections whenever they observe or are otherwise aware of ongoing harvest activities (row crops and orchards), pesticide application, or pruning. In addition, any observed use of a tractor without ROPS in a situation apparently requiring it should result in an inspection (although it may not be clear whether a violation has occurred until the inspection has been completed). Finally, any employer-operated temporary worker housing that has not been licensed by the Department of Health should be inspected if it is in operation.

B. How should inspections within seasonal agriculture be reported?

Inspections within seasonal agriculture are to be considered “programmed” inspections unless they are fatality/catastrophe investigations or have been initiated in response to specific complaints or referrals. All such programmed inspections are to be comprehensive hygiene or safety inspections of the work site and/or operation, including an evaluation of the employer’s overall safety and health program.

C. When should WISHA consultation activity be identified as “programmed” consultation activity?

WISHA consultation services that result from employer-specific marketing to employers within seasonal agriculture will be considered “programmed” consultation activity for the purposes of reporting to federal OSHA.

Approved: _____

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For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360) 902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).